

Scallop Advisory Council Notes October 18, 2010

Attendance:

SAC: Arthur Alley, Jimmy Ackley, Andy Mays, Dana Temple

DMR: Togue Brawn, David Etnier, Deirdre Gilbert, Lt. Sprowl,

Audience: Sherm Hoyt, Brian Preney, Maurice Alley, Junior Kelley, Brian Soper, Travis Fogg, Steve Rappaport, Carla Guenther, Erin Owen, Gunnar Lienburner (?), Dennis Damon

Andy Mays described his scallop spat collection efforts, and the scallops that he brought with him.

Brian – minutes aren't getting posted – why?

Togue explained that we can't post them until they are approved.

DMR updates

Last meeting was in Bangor – discussed limited entry

Legislature put in limited entry in 2008 – put in a sunset of July 2012. Also directed the department to come up with a limited entry system.

Maurice – last year, how many active licenses? Just under 200. But you sold nearly 800...a lot of people just buy licenses to have them.

The poorest county is going to be hurt the worst – already locked out of urchins, lobsters...and now scallops. I have 3 grandsons – they might want a license. I'll keep mine until they put me underground...

Concerns that there are boats operating with no licenses aboard.

Brian P – we should have put a petition in to the Legislature to refuse to allow entry into the fishery because just did the closed areas.

What happened in urchins is that a few new people get in, do a lot of damage.

In a few years, you will end up doing what we did in urchins, which is closing the lotteries.

Season:

Brian Soper – what about the schedule (season) change?

Togue explained the process by which the SAC recommendation was taken out to public hearing, the comments that were received – a lot of complaints about no weekend days, for a variety of reasons. Compromise was suggested.

Brian – a strong disagreement – we have the SAC for a reason – to gather the industry together to generate a recommendation. Because a few people show up at the last minute things changed.

Can you go back to the SAC with the changes and see what they think?

Brian Soper – the SAC decided on something and we all left the room and did not do public comment because we thought it was set in stone.

Shut down on Thursdays, which is probably good for big business

Have really hurt the local scallop industry.
The change was made and never came back to this council.
Should have left a Friday open at least, shut them down on a Wednesday is devastating.

Dana – I understand your arguments, but if I asked 100 guys I would get 60 different ideas.

Brian S – why didn't it come back to this committee.

Brian P – this was changed for recreational divers...this state is suffering for business. If you can't sell your scallops for fresh scallops for the winter, you've ruined the brand. You did it for the sake of recreational fishermen.

Dana T – you will be getting a good price this season.

Junior – everyone agreed on Monday through Friday that was hearing. The SAC was backing it. And Dana voted against it at the DMR AC.

After continued complaints from two members of the audience, Togue explained the process for a final time: the SAC made a recommendation, that recommendation was taken to public hearings, and significant opposition was received (during the public hearing process) to the complete exclusion of week-end days. As a result, the final proposed season was a compromise. This rule was voted on and approved by the DMR Advisory Committee. The process worked as it was designed. Togue also noted that the same people who were now stating it was improper to change a rule based on public input had in the past stated that rules MUST be changed based on public input.

Area Advisory Committees: In Season Closures

Andy Mays – the upper part of Blue Hill Bay – Union River side – the Skillings River – all got ground away – how would you come up with the guidelines to decide to close it? Togue – that's what these protocols are meant to do...an area committee member would contact the department, get input from marine patrol...etc – use that information to decide whether or not to move forward with an emergency closure.

Audience member –I have a problem with how they do the sample tows

This would not be stratified random sampling...might do a local survey if there is time, might not.

The guys that don't come to the meetings are going to be upset – they are the guys that grind away. They don't want more closed areas.

Junior – when I brought it up, Chandler bay had a lot of seed scallops. Guys killed it – it went all season that way.

Maurice – once you close a place, urchin divers and draggers will still come in.

Travis – how will we get notified of this? How will I know that the area has been closed? I only get my mail every two weeks...how will I know?

Arthur – if you have trouble in one area, you likely have trouble in all of them.

Togue – this is a targeted approach, when small areas are being hammered.

Brian - I am a dumpster diver. I let the draggers tow and tow and tow...because the scallops move up in the ledges, and then I go to work. I take all the legal sized scallops. You could injure a whole group of fishermen. I work the cracks and ledges.

David E – this is valid point - both sectors would have to weigh in.

Jimmy Ackley – this is where the local committees would come in...they would be divers and draggers both.

Carla - could use a lot of creativity in how these are designed

Dana T – when the draggers leave, the divers move in?

Brian P – would you take the advice of fishermen as to when to reopen it? No – it would only be closed for 90 days, would automatically reopen the next season.

Togue – if we could close an area that both divers and draggers agree is being hammered, should we move forward?

Andy, Dana, Arthur, Jimmy – yes.

Gunnar – Are we going to get something back?

Togue - Yes, access to that resource next year.

Maurice – if you could work out the enforcement this would work.

Brian S. and Brian P. express disdain for the idea....

Togue – Brian, if you and the draggers in your area thought an area should be closed, should we move forward?

Brian P: No – because the rules are not clear. Who are the people who wanted this?

Junior – I requested it.

Gunnar – why don't you want an area closed?

Brian Preney - I don't want areas closed in mid-season because we have already, in good faith, given up large areas. I don't know what criteria you are going to use.

Andy – Can you not think of the 10% of the people who continue to fish where they should not?

Brian P - It's an enforcement problem

Andy - They aren't necessarily doing anything illegal, plus, it's just more logical to enforce it by closing off entirely.

Travis – sometimes I can get in where Arthur can't, but I hate to watch other guys to cut small stuff.

Andy – there are different types of bottom, different places...if it's rocky, there is inefficiency built into the bottom. In my case, we are talking about in the Union River and the Skillings River, which are small areas, but we managed to harvest every legal scallop. If we had stopped 3 weeks prior to the end of the season in April, we would have had great product the next year, instead of just annihilating them.

Brian S – I just think a lot of this has to do with trust – I haven't seen closures reopen.

Togue - We don't have the authority to keep emergency rules in place for longer than 90 days.

Brian S - You can say that, but things change.

Togue - Look at the paper – what are we missing here? Is there anything in the guidelines that needs to be changed?

SAC members discussion

Jimmy Ackley – need to establish the subcommittees right away. The committees should be equal diver and dragger.

Togue – went over the areas that resulted from the Bangor meeting – 7 areas

Bylaws of SAC allow for subcommittees of the SAC, if they have at least 2 members of the SAC.

David – Jimmy's point is a good one – you can't do these area closures without the subcommittees.

Brian S. – Sherm had a meeting in Rockland. After that meeting, how many people wanted to be on the subcommittee?

Sherm – 4 people wanted to be on the subcommittee

Brian S – Did not want subcommittees because they don't trust what comes out of subcommittees. They want it done by the SAC.

(Others who had attended the meeting disagreed with this statement)

Dana T – how do you handle situations where the SAC is not meeting quickly enough?

Brian S – what came out of the meeting was – simplicity and leave us alone.

Brian P – haven't analyzed any information from the mandatory data that is being reported. For the first time, know the biomass that is being landed.

Togue – with regard to the closed areas – areas that worked together and spoke with one voice got closer to what they recommended than areas that did not work together.

Travis – we don't need Sherm setting up any more meetings until we have adhoc council that the Department is setting up

Andy – I don't think there would be any trouble getting a dozen people together – we did it on a night's notice in someone's living room when we need to for the area closures. Smaller groups, it's easier to get agreement.

Sherm – September 30 was the third meeting in the mid-coast. There was errors in the press release – said it was a DMR and a SAC meeting. Travis Fogg's recollection is correct – did not need any more Sea Grant meetings. Need to be able to disagree respectfully.

Brian P – apologize for my behavior earlier.

David E – also apologize.

Jimmy A – are we doing the committees?

Togue – may not be needed in every area, but we will make the offer and make sure everywhere has the opportunity.

David – just want to clarify, that the area committees are not only for the in-season closures, it is also for the opening of the closures.

Brian P – why can't Andy's area be a pilot program for the whole state – if he knows guys he can get together, and areas that can be closed.

Dana – if other areas would like to use it, I don't think we should prevent them and only allow Andy's area

Togue – We are not trying to subject them to anything, we are just trying to facilitate the flow of information

Maurice - Point of Maine should be the division

Togue – talk with SAC members about setting up meetings in mid-late November?

Andy – Guys could get together and ask for a closure regardless? Yes, department retains that authority. If subcommittee exists, it makes sense to keep to work through them.

Andy - It's always about the one guy or couple of guys who just don't get it and the rest of us just watch and seethe.

Next SAC meeting December 9th?

Andy – remember that divers need CPR/First Aid.

Where should the next meeting be? Perhaps more centrally located, rather than Machias.

Andy – have answered my own question about whether scallops are spawning. Would like to take this to the next level, get some more enthusiasm, do some enhancement. The solution is not just in restrictions – this could be part of the solution.

What is happening with the research surcharge?

Togue – the survey, part of Togue's salary, council expenses – Togue can bring a report to the next meeting.

David – From our point of view, the enhancement work is something that the area committees could take on for their area, using that local expertise and energy as they see appropriate.

Andy –Have been opposed to dividing up the coast, but if you have more input and more of a stake, it may change your judgement about how you manage an area and I see the advantages of that.

Dana – I don't see the downside. It's not without it's growing pains, but in the long-term it will be in benefit of the industry.

Meeting adjourned at 6:15 pm.